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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,704	07/31/2001	Kaare Tais Christensen	1076.40413X00	9898

20457 7590 11/03/2003

ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-9889

EXAMINER

NGUYEN, LINH V

ART UNIT PAPER NUMBER

2819

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/917,704

Applicant(s)

CHRISTENSEN, KAARE TAIS

Examiner

Linh V. Nguyen

Art Unit

2819

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 21, are rejected under 35 U.S.C. 102(b) as being anticipated by Holyman et al. U.S. Patent No. 4,417,220.

Regarding to claims 1 – 9, Figs 1- 3 of Holyman et al. disclose a method and apparatus for a tuning filter (3), the filter being associated with a center frequency (Col. 2 lines 32 - 36), comprising the steps of: configuring the filter as an oscillator (Col. 2 lines 45 – 59) tuning the oscillator to a desired frequency (Col. 2 lines 46 – 55); and reconfiguring the oscillator to operate as the filter with the desired frequency as the center frequency (Col. 2 lines 43 - 45) wherein:

- step of configuring the filter as an oscillator comprises compensating for losses in the filter (Col. 2 lines 53 - 60).

- wherein the filter comprises a band pass filter (3)

- wherein the filter comprises a notch filter (Col. 1 line 8)

- step of tuning the oscillator comprises providing a tuning signal (12), and further comprising a step of recording the tuning signal by storing the signal in a register (6a, 6b), which causes the oscillator to operate at the desired frequency (Col. 5 lines 25 – 44).

- wherein the filter includes a tank circuit and the step of tuning the oscillator comprises tuning the resonant circuit (Figs. 1 – 3).

4. Regarding to claims 10 – 17, Fig. 1 – 3 of Holyman et al. as applied to claims 1 - 9, above disclose every aspect of applicant's claimed invention.

5. Regarding to claims 18 - 21, Fig. 1 – 3 of Holyman et al. as applied to claims 1 - 9, above disclose every aspect of applicant's claimed invention, except for not explicitly disclose the tuning filter is operating in digital signal. However, it has been held that a recitation with respect to the manner in which claimed apparatus is intended to be employed does not differentiate the claim apparatus from prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987)

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh Van Nguyen whose telephone number is (703) 305-1934. The examiner can normally be reached from 8:30 – 5:00 Monday-Friday.

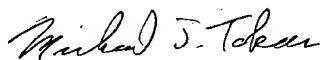
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Tokar can be reached at (703) 305-3493. The fax phone numbers for the organization where this application or proceeding is assigned are (703-872-9306) for regular communications and (703-872-9306) for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

LVN

10/21/2003

A handwritten signature in black ink, reading "Michael J. Tokar". The signature is fluid and cursive, with the first name "Michael" and last name "Tokar" clearly legible.

Michael Tokar  
Supervisory Patent Examiner  
Technology Center 2800